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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,954	09/30/2003	David W. Nelms	252130 (DSC-14)	5290
23460 7590 03/13/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER LABAZE, EDWYN	
			ART UNIT 2876	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,954

Applicant(s)

NELMS ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 12/11/2006.
2. Claims 1-29 are presented for examination.
3. This application claims the benefits of 60/415,587 filed on 10/02/2002.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-2 and 5-6 drawn to the card case and method claims 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrianus et al. (WO 98/16908) in view of Alessandro (WO 0 515 324 A).

Re claims 1-2, 17, and 20: Adrianus et al. discloses system comprising a computer and a number of portable terminal for a smart card, as well as a terminal to used in this system, which includes an enclosure space for storing a credit card; a processor {herein microprocessor 5}; a

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display 7; a data entry device {herein keypad 8}; and at least one data communication device (page 3, lines 4-19; page 5, lines 11-34).

Adrianus et al. further teaches a memory 6 for storing transaction information (page); and means of transmitting the transaction information to a merchant {herein a bank} (page5, lines 27-37; page 8, lines 1-31).

Adrianus et al. fails to specifically teach the card for being pivotally {a pivot pin} mounted to the case.

Alessandro discloses a magnetic card with a protective cover, wherein the card for being pivotally {through the pin 8} mounted to the case (see fig. # 2; col.1, lines 54-57).

In view of Alessandro's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Adrianus et al. means for the card being pivotally mounted to the case so as to secure the card to the case. Furthermore such modification would enable to permanently attach the card onto holder and facilitate extraction of the card for external use. Moreover, such modification would have been an obvious extension as taught by Adrianus et al.

Re claims 5-6, 21: Adrianus et al. discloses a system and method, wherein the data entry device is a keypad 8 and a navigation device {herein four function keys} (see fig. # 1).

Re claims 19 and 22: Adrianus et al. teaches a system and method, wherein the transaction information is identification information {herein personal identification number/PIN} (page 5, lines 11-18; page 7, lines 20-33).

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7. Claims 3, 8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrianus et al. (WO 98/16908) as modified by Alessandro (WO 0 515 324 A) above in claim 1, and further in view of Balagion et al. (US 2003/0120609).

Re claim 3: The teachings of Adrianus et al. have been discussed. Adrianus et al. further teaches that the processor 5 includes a memory 6 (page 3, lines 34-35; page 5, lines 30-36).

Adrianus et al. fails to specifically disclose that the processor is integrated with a read-only memory.

Balagion et al. discloses method, system and device for remote commercial transactions, which includes a credit card holder/case 10, which includes a processor 18 integrated with a read-only memory 16 (see fig. # 2; paragraph 16).

In view of Balagion et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Adrianus et al. a processor integrated with a read-only memory so as to protect the original encrypted information in the processor. Furthermore, such modification would prevent anyone from accessing and/or altering the stored information in the CPU and provides security to the registered data. Moreover, such modification would have been an obvious extension as taught by Adrianus et al.

Re claims 8, 10-11: The teachings of Adrianus et al. have been discussed above.

Adrianus et al. fails to specifically disclose an infrared/wireless transmitter/transceiver, RFID stimulator, and magnetic track generator.

Balagion et al. discloses method, system and device for remote commercial transactions, which includes a credit card holder/case 10, which includes a transceiver apparatus 19 (see fig. # 2; paragraphs 16-17).

In view of Balagion et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Adrianus et al. an infrared/wireless transmitter/transceiver, RFID stimulator, and magnetic track generator so as to facilitate wireless communication means between the card casing with the enclosed card and the merchant/bank. Furthermore, such modification would enable the cardholder to perform wireless transactions, read the magnetic track of the magnetic card. Moreover, such modification would have been an obvious extension as taught by Adrianus et al., therefore an obvious expedient.

8. Claims 4, 7, 9, 12-16, 18, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrianus et al. (WO 98/16908) as modified by Alessandro (WO 0 515 324 A) above in claim 1, and further in view of Gobburu et al. (U.S. 6,736,322).

The teachings of Adrianus et al. have been discussed above. Adrianus et al. teaches a communication means and a display, and keypad and four function keys.

Adrianus et al. fails to specifically teach a liquid crystal display, an infrared transceiver, and means of displaying bar code on the LCD, wherein the barcode relates to a merchant's loyalty information.

Gobburu et al. teaches method, apparatus for acquiring, maintaining and using information to be communicated in bar code form with a mobile communication device, which includes a liquid crystal display (col.8, lines 5+), an infrared transmitter/transceiver (col.8, lines

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28+; col.10, lines 3+), and means of displaying bar code on the LCD (see fig. # 8, 11-12, 22-23), wherein the barcode relates to a merchant's loyalty {herein incentive, coupons and the like} information (col.9, lines 14+; col.18, lines 1+).

In view of Gobburu et al.'s teachings, it would have been obvious to one skilled in the art at the time the invention was made to employ into the teachings of Balagion et al. a liquid crystal display, an infrared transmitter/transceiver, and means of displaying bar code on the LCD, wherein the barcode relates to a merchant's loyalty information so as to provide means of uploading/downloading barcode information onto a customer's portable device. Furthermore, the infrared transceivers commonly used in portable devices would facilitate infrared copying of data in a broadcast mode thereby integrated both audio and video data, and such modification would enable visual image of bar code for some promotional product/advertisement, wherein the barcode may be scanned and transferred to the customer's portable device from a remote location to be downloaded at another location. Moreover, such modification would have been an obvious extension as taught by Balagion et al.

Response to Arguments

9. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van der Toorn (U.S. 5,038,926) discloses device for keeping cards.

Davis (U.S. 6,155,410) teaches credit card case.

Wakabayashi et al. (U.S. 6,454,164) discloses pocket-size information transfer apparatus having dual IC card insertion slots and IC card using the same.

Arnouse (U.S. 6,997,381) teaches dual-sided smart card reader.

Takao (US 2006/0190738) discloses IC card and IC card unit.

Hunter, Jr. et al. (US 2007/0001016) discloses transaction card and case.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
February 28, 2007



THIEN M. LE
PRIMARY EXAMINER